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**Introduced by Senator Ashburn**

February 22, 2005

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An act to amend Section 31724 of the Government Code, relating to county employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

SB 885, as introduced, Ashburn. County employees' retirement: disability retirement.

The County Employees Retirement Law of 1937 authorizes a member of a county retirement system to be retired for disability. Under this law, if proof of disability, including any medical examination, shows to the satisfaction of the retirement board that the member is permanently incapacitated physically or mentally, for the performance of service duties, the board shall retire that member effective on the expiration date of any leave of absence with compensation to which that member is entitled to pursuant to specified provisions or effective upon the member's consent to retirement prior to the expiration of the leave of absence with compensation.

This bill would delete references to the board retiring the member effective on the expiration of any leave of absence with compensation and would instead provide that if the member is permanently incapacitated, either physically or mentally, for the performance of service duties, the board shall retire the member.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 31724 of the Government Code is  
2 amended to read:

1 31724. If the proof received, including any medical  
2 examination, shows to the satisfaction of the board that the  
3 member is permanently incapacitated, *either* physically or  
4 mentally, for the performance of his *or her* duties in the service,  
5 it shall retire ~~him~~ effective on the expiration date of any leave of  
6 ~~absence with compensation to which he shall become entitled~~  
7 ~~under the provisions of Division 4 (commencing with Section~~  
8 ~~3201) of the Labor Code or effective on the occasion of the~~  
9 ~~member's consent to retirement prior to the expiration of such~~  
10 ~~leave of absence with compensation. His~~ *the member. The*  
11 disability retirement allowance shall be effective as of the date  
12 ~~such~~ *the* application is filed with the board, but not earlier than  
13 the day following the last day for which ~~he~~ *the member* received  
14 regular compensation. Notwithstanding any other provision of  
15 this article, the retirement of a member who has been granted or  
16 is entitled to sick leave shall not become effective until the  
17 expiration of ~~such~~ *that* sick leave with compensation unless the  
18 member consents to ~~his~~ retirement at an earlier date.

19 When it has been demonstrated to the satisfaction of the board  
20 that the filing of the member's application was delayed by  
21 administrative oversight or by inability to ascertain the  
22 permanency of the member's incapacity until after the date  
23 following the day for which the member last received regular  
24 compensation, ~~such~~ *the* date will be deemed to be the date the  
25 application was filed.